IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1598 (S/S) of 2006

Anand Pal Singh S/o Sri Lakhpat Singh, serving as Assistant Teacher, L.T. Grade Government Inter College, Kheti, District Almora ------- Petitioner

Versus

1. Director, School Education, Uttaranchal, Dehradun
2. Additional Director, School Education, Uttaranchal, Dehradun
3. Joint Director of Education, Kumaon Region, Nainital
4. Sri Shivjeet Singh, serving as Lecturer (Geography), Government Inter College, Khela, District Pithoragarh
5. Sri Rambali, serving as Lecturer (Geography), Government Inter College, Bamnaswal, District Almora
6. Sri Akbar Hussain, serving as Lecturer (Geography), Government Inter College, Totam District Almora

------- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Manoj tiwari, learned counsel for the petitioner and Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand for the respondent nos. 1,2 and 3.

By means of this writ petition, the petitioner has prayed for a direction to respondent no. 2 to consider petitioner's claim for promotion as Lecturer (Geography) from the date his juniors were promoted.

The stand of the petitioner is that he was appointed as L.T. Grade Teacher (General) on 26.06.1996 and respondent nos. 4, 5 and 6 were appointed as L.T. Grade Teacher (General) vide order 13th August, 1996. Learned counsel for the petitioner has submitted that in the seniority list of L.T. Grade Teacher, the petitioner has been placed at serial no. 2143 whereas respondent 4

has been placed at Serial No. 2262, respondent no. 5 at serial No. 2308 and respondent no. 6 at Serial No. 2180. Learned counsel for the petitioner has further submitted that respondent nos. 4 to 6 have been promoted as Lecturer (Geography) by the respondent vide order dated 02.12.2005, whereas the petitioner, who was senior to them and was also qualified, has not been provided promotion.

Respondents nos. 1, 2 and 3 were granted time to file counter affidavit on 19.12.2006. Again on 30th March, 2007 and on 28.06.2007 further three weeks' and no more time was granted to respondent, however, no counter affidavit has been filed till date by the respondents.

The petitioner has stated in the writ petition that the petitioner as well as respondent nos. 4 to 6 are post graduate in Geography and as such all of them were eligible for promotion to the post of Lecturer (Geography). The petitioner as well as respondent nos. 4 to 6 fall within unreserved category. The petitioner has further stated that in spite of the fact that the respondent nos. 4 to 6 are junior to the petitioner and further the petitioner is eligible to be promoted on the post of Lecturer (Geography), the petitioner has not been provided promotion and the juniors to the petitioner have been granted promotion by the respondents.

Learned counsel for the petitioner has submitted that the petitioner has already moved a number of representations before the authorities, however, the authorities have not taken decision on the representations of the petitioner.

In the circumstances, I deem it fit and proper to direct the respondent no. 2 to take decision and pass appropriate order on the representation of the petitioner dated 27.06.2006, which is Annexure 6 to the writ petition within a period of six weeks from the date of production of a certified copy of this order.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

13.08.2007
VKS